

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

WILLIAM D. HITZ ET AL.

CASE NO.: BB1077 US CNT

APPLICATION NO.: UNKNOWN

GROUP ART UNIT: UNKNOWN

FILED: CONCURRENTLY HEREWITH

EXAMINER: UNKNOWN

FOR: SOYBEAN PLANT PRODUCING
SEEDSWITH REDUCED LEVELS OF
RAFFINOSE SACCHARIDES AND PHYTIC
ACID

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is submitted to facilitate prosecution of the above-identified application.

In the Claims

Kindly cancel claims 1-12, 17-22 and 24-33.

Kindly amend the following claims:

13. (amended) A soybean plant with a heritable phenotype of (i) a seed phytic acid content of less than 17 $\mu\text{mol/g}$, (ii) a seed content of raffinose and stachyose of less than 14.5 $\mu\text{mol/g}$, and (iii) a seed sucrose content of greater than 200 $\mu\text{mol/g}$, provided that the plant is not a member of the line LR33; wherein the soybean plant is homozygous for a genetic defect at the myo-inositol 1-phosphate synthase locus; and wherein the soybean plant has been deposited under ATCC Accession No. 97971.

14. (amended) A soybean plant with a heritable phenotype of (i) a seed phytic acid content of less than 17 $\mu\text{mol/g}$, (ii) a seed content of raffinose and stachyose of less than 14.5 $\mu\text{mol/g}$, and (iii) a seed sucrose content of greater than 200 $\mu\text{mol/g}$, provided that the plant is not a member of the line LR33; wherein the soybean plant is homozygous for a genetic defect at the myo-inositol 1-phosphate synthase locus; and wherein the soybean plant has been deposited under ATCC Accession No. XXXXX.

15. (amended) A soybean plant with a heritable phenotype of (i) a seed phytic acid content of less than 17 $\mu\text{mol/g}$, (ii) a seed content of raffinose and stachyose of less than 14.5 $\mu\text{mol/g}$, and (iii) a seed sucrose content of greater than 200 $\mu\text{mol/g}$, provided

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that the plant is not a member of the line LR33; wherein the soybean plant is homozygous for a genetic defect at the myo-inositol 1-phosphate synthase locus; and wherein the soybean plant has been deposited under ATCC Accession No.YYYYYY.

16. (amended) A soybean plant with a heritable phenotype of (i) a seed phytic acid content of less than 17 $\mu\text{mol/g}$, (ii) a seed content of raffinose and stachyose of less than 14.5 $\mu\text{mol/g}$, and (iii) a seed sucrose content of greater than 200 $\mu\text{mol/g}$, provided that the plant is not a member of the line LR33; wherein the soybean plant is homozygous for a genetic defect at the myo-inositol 1-phosphate synthase locus; and wherein the soybean plant has been deposited under ATCC Accession No.ZZZZZZ.

23. (amended) Seeds of a soybean plant with a heritable phenotype of (i) a seed phytic acid content less than 17 $\mu\text{mol/g}$, (ii) a seed content of raffinose plus stachyose of less than 14.5 $\mu\text{mol/g}$, and (iii) a seed sucrose content of greater than 200 $\mu\text{mol/g}$, made by the method comprising:

- (a) crossing LR33 or the soybean plant of Claims 13-16 with an elite soybean plant; and
- (b) selecting a progeny plant of the cross of step (a) that has a heritable phenotype of (i) a seed phytic acid content less than 17 $\mu\text{mol/g}$, (ii) a seed content of raffinose and stachyose of less than 14.5 $\mu\text{mol/g}$, and (iii) a seed sucrose content of greater than 200 $\mu\text{mol/g}$.

REMARKS

Claims 1-12, 17-22 and 24-33 have been cancelled, and claims 13-16 and 23 have been amended. This case is a continuation application under 37 CFR §1.53(b). The present application is a continuation of Application No. 09/304, 534 filed on May 4, 1999 which is a continuation-in-part of PCT/US98/06822 filed April 7, 1998 which is a continuation-in-part of Application No. 08/835,751 file April 8, 1997 (now abandoned).

Support for the amended claims can be found in the specification and claims as originally filed. Thus, now new matter has been added.

Enclosed herewith along with this Preliminary Amendment is an Information Disclosure Statement setting forth all references which had been cited by Applicants or the Examiner in connection with Serial No. 09/377,431 and a Version With Markings To Show Changes Made.

Please charge any fees which are required in connection with the filing of this Preliminary Amendment and Information Disclosure Statement to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

Before examination of the above-referenced application, please amend the application as follows:

Respectfully submitted,



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Dated: Dec 19, 2001

Enclosures

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In showing the changes, deleted material is shown as bracketed, and inserted material is shown underlined.

Kindly amend the following claims:

13. (once amended) A [The] soybean plant [of Claim 12] with a heritable phenotype of (i) a seed phytic acid content of less than 17 μ mol/g, (ii) a seed content of raffinose and stachyose of less than 14.5 μ mol/g, and (iii) a seed sucrose content of greater than 200 μ mol/g, provided that the plant is not a member of the line LR33; wherein the soybean plant is homozygous for a genetic defect at the myo-inositol 1-phosphate synthase locus; and wherein the soybean plant [bears] has been deposited under ATCC Accession No. 97971.

14. (once amended) A [The] soybean plant [of Claim 12] with a heritable phenotype of (i) a seed phytic acid content of less than 17 μ mol/g, (ii) a seed content of raffinose and stachyose of less than 14.5 μ mol/g, and (iii) a seed sucrose content of greater than 200 μ mol/g, provided that the plant is not a member of the line LR33; wherein the soybean plant is homozygous for a genetic defect at the myo-inositol 1-phosphate synthase locus; and wherein the soybean plant [bears] has been deposited under ATCC Accession No. XXXXX.

15. (once amended) A [The] soybean plant [of Claim 12] with a heritable phenotype of (i) a seed phytic acid content of less than 17 μ mol/g, (ii) a seed content of raffinose and stachyose of less than 14.5 μ mol/g, and (iii) a seed sucrose content of greater than 200 μ mol/g, provided that the plant is not a member of the line LR33; wherein the soybean plant is homozygous for a genetic defect at the myo-inositol 1-phosphate synthase locus; and wherein the soybean plant [bears] has been deposited under ATCC Accession No. YYYYYY.

16. (once amended) A [The] soybean plant [of Claim 12] with a heritable phenotype of (i) a seed phytic acid content of less than 17 μ mol/g, (ii) a seed content of raffinose and stachyose of less than 14.5 μ mol/g, and (iii) a seed sucrose content of greater than 200 μ mol/g, provided that the plant is not a member of the line LR33; wherein the soybean plant is homozygous for a genetic defect at the myo-inositol 1-phosphate synthase locus; and wherein the soybean plant [bears] has been deposited under ATCC Accession No. ZZZZZZ.

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23. (once amended) Seeds of a [the] soybean plant [made by the method of claim 22] with a heritable phenotype of (i) a seed phytic acid content less than 17 $\mu\text{mol/g}$, (ii) a seed content of raffinose plus stachyose of less than 14.5 $\mu\text{mol/g}$, and (iii) a seed sucrose content of greater than 200 $\mu\text{mol/g}$, made by the method comprising:

(a) crossing LR33 or the soybean plant of [claim 11] Claims 13-16 with an elite soybean plant; and

(b) selecting a progeny plant of the cross of step (a) that has a heritable phenotype of (i) a seed phytic acid content less than 17 $\mu\text{mol/g}$, (ii) a seed content of raffinose and stachyose of less than 14.5 $\mu\text{mol/g}$, and (iii) a seed sucrose content of greater than 200 $\mu\text{mol/g}$.